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HOUSE BILL 269

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO TAXATION; PROVIDING LAND GRANT PARTICIPATION IN  
BIDDING ON GRANT LANDS SOLD AT DELINQUENT TAX AUCTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-38-67 NMSA 1978 (being Laws 1973,  
Chapter 258, Section 107, as amended by Laws 2001, Chapter 253,  
Section 3 and by Laws 2001, Chapter 254, Section 3) is amended  
to read:

"7-38-67. REAL PROPERTY SALE REQUIREMENTS. --

A. Real property [~~may~~] shall not be sold for  
delinquent taxes before the expiration of three years from the  
first date shown on the tax delinquency list on which the taxes  
on the real property became delinquent.

B. Notice of the sale shall be published in a local  
newspaper within the county where the real property is located

underscored material = new  
[bracketed material] = delete

1 or, if there is no local county or municipal newspaper, then a  
2 newspaper published in a county contiguous to or near the  
3 county in which the real property is located, at least once a  
4 week for the three weeks immediately preceding the week of the  
5 sale. For more generalized notice, the department may choose  
6 to publish notice of the sale also in a newspaper not published  
7 within the county and of more general circulation. The notice  
8 shall state the time and place of the sale and shall include a  
9 description of the real property sufficient to permit its  
10 identification and location by potential purchasers.

11 C. Real property shall be sold at public auction  
12 either by the department or an auctioneer hired by the  
13 department. The auction shall be held in the county where the  
14 real property is located at a time and place designated by the  
15 department.

16 D. If the real property can be divided so as to  
17 enable the department to sell only part of it and pay all  
18 delinquent taxes, penalties, interest and costs, the department  
19 may, with the consent of the owner, sell only a part of the  
20 real property.

21 E. Before the sale, the department shall determine  
22 a minimum sale price for the real property. In determining the  
23 minimum price, the department shall consider the value of the  
24 property owner's interest in the real property, the amount of  
25 all delinquent taxes, penalties and interest for which it is

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1 being sold and the costs. The minimum price shall not be less  
2 than the total of all delinquent taxes, penalties, interest and  
3 costs. Real property [~~may~~] shall not be sold for less than the  
4 minimum price unless no offer met the minimum price when it was  
5 offered at an earlier public auction. A sale properly made  
6 under the authority of and in accordance with the requirements  
7 of this section constitutes full payment of all delinquent  
8 taxes, penalties and interest that are a lien against the  
9 property at the time of sale, and the sale extinguishes the  
10 lien.

11 F. Payment shall be made in full by the close of  
12 the public auction before an offer may be deemed accepted by  
13 the department.

14 G. Real property not offered for sale may be  
15 offered for sale at a later sale, but the requirements of this  
16 section and Section 7-38-66 NMSA 1978 shall be met in  
17 connection with each sale.

18 H. A bid made at a public auction by the board of  
19 trustees of a community land grant described in Chapter 49 NMSA  
20 1978 and functioning under the laws of the state, except for  
21 those land grants that have organized as for-profit  
22 corporations, shall be considered the highest bid at that  
23 public auction and shall entitle the board of trustees to  
24 purchase the property for the amount bid if:

25 (1) the property is vacant land and is

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1 situated within the boundaries of that land grant as contained  
2 in the United States patent to the community land grant;

3 (2) the bid covers all past taxes, penalties,  
4 interest and costs due on the property; and

5 (3) the board of trustees agrees that the  
6 property shall be common lands of the land grant and that if it  
7 sells the property within the life of any heir to the land  
8 grant living at the time of purchase of the property, all  
9 consideration received shall be paid to the state that is in  
10 excess of:

11 (a) what the board of trustees paid for  
12 the property; plus

13 (b) the value of all improvements to the  
14 property made after purchase by the board of trustees; plus

15 (c) an adjustment for inflation."

16 Section 2. EFFECTIVE DATE. --The effective date of the  
17 provisions of this act is July 1, 2003.